

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAYMOND FRANK JOSEPH,

Plaintiff,

Case No. 23-cv-11824
Hon. Matthew F. Leitman

v.

ORKIN, LLC, *et al.*,

Defendants.

/

**ORDER (1) GRANTING IN PART AND DENYING IN PART
DEFENDANTS' MOTION TO DISMISS (ECF No. 2) AND (2) GRANTING
PLAINTIFF LEAVE TO FILE A FIRST AMENDED COMPLAINT**

On November 29, 2023, the Court held a hearing on Defendants' motion to dismiss. (*See* Mot., ECF No. 2.) For the reasons explained on the record during the motion hearing, **IT IS HEREBY ORDERED** as follows:

- Defendants' motion is **GRANTED** with respect to Plaintiff's breach of contract claim;
- Defendants' motion is **DENIED** with respect to Plaintiff's negligence claim;
- Defendant Rollins, Inc. is **DISMISSED** from this action based on the stipulation of the parties; and
- Plaintiff is granted **LEAVE** to file a First Amended Complaint. Plaintiff shall file his First Amended Complaint by no later than **December 15, 2023**.

Defendant Orkin, LLC shall answer or otherwise respond to the First Amended Complaint by no later than **January 12, 2024**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: November 29, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 29, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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